

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 19954 of 1995

Between:

- 1 Sri Paramaiah S/o. Sri Yellaiah.
R/o. H.No. 5-102, Raidurg Village, Hyderabad.
- 2 Smt. Pentamma, W/o. Paramaiah.
R/o. 5-102, Raidurg Village, Hyderabad.

..... PETITIONERS

AND

- 1 M/s. Narsing Industries, Regd. Partnership Firm, Rep by its Partner-
Sri Ramratan Jhawar. H.No. 5-21, Darga Hussani Shah Wali, Laxman
Bagh, Raidurg Village, Lingampally Mdl., Hyderabad.
- 2 The Presiding Officer, Labour Court No. III, IVth Floor, Chandra Vihar,
M.G.Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a direction, order or a writ particularly one in the nature of Writ of Certiorari after calling the records in I.D.No. 63 and batch of the Common award dated 24/08/1993 on the file of the Labour Court No. III, Chandra Vihar, Hyderabad and set-aside the award to the extent of ID.No. 67/93 and 71/93 by granting reinstatement to the petitioners in service with continuity of service with full back

wages and attendant benefits and pass.

Counsel for the Petitioner: MR.A.KRISHNA RAO

Counsel for the Respondent No.1: Smt C.Jayasree Sarathy .

Counsel for the Respondent No.2: GP for Labour

The Court made the following:

ORDER:

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This Writ Petition is filed assailing the Common Award dated 24.8.1993 passed by the second respondent-Labour Court, Hyderabad in I.D.Nos.67 of 1993 and 71 of 1993.

2. A group of workmen whose services were terminated, raised individual industrial disputes before the Labour Court-III, Hyderabad. However, a common award was passed by the Tribunal dated 24.8.1993. The Tribunal while granting relief to other persons, refused the relief to the petitioners herein on the ground that they were convicted by the Criminal Court. Aggrieved by the said order, the present Writ Petition has been filed by the workmen concerned.

3. The learned Counsel for the petitioners, however, submits that the petitioners are illiterates and they are manual workers and the learned Tribunal did not properly appreciate the contentions raised on behalf of the petitioners and passed an erroneous Award. He further submits that the learned Tribunal did not take into consideration of service rendered by first petitioner viz. Paramaiah for about 11 years and the second petitioner viz. Pentamma for about 16 years. Thus, the Tribunal committed an error on the face of the record.

4. Learned Counsel for the respondents submits that the petitioners have assaulted the Manager of the first respondent Industries and therefore they were prosecuted before the Criminal Court and they have admitted their guilt.

5. No doubt, in a case of this nature, no enquiry is necessary. Further, the termination of the petitioners cannot be said to be illegal and the learned Tribunal having considered this aspect, refused to grant any relief to them.

6. However, after hearing the Learned Counsel for the petitioners and the management, even though the Tribunal not granted any relief of reinstatement or back wages, keeping in view that the petitioners have put up number of years of service, I direct the Management to pay compensation in the shape of ex-gratia to the first petitioner viz. Paramaiah a sum of Rs.2,500/- and to the second petitioner viz. Pentamma a sum of Rs.4,000/- within a period of four weeks from the date of receipt of a copy of this order. This amount is granted in quittance of terminal benefits.

7. Accordingly, the Writ Petition is disposed of. No costs.

G. BIKSHAPATHY, J

Dated:23.9.2004,

ccm

To:

- 1 The Presiding Officer, Labour Court No. III,
IV Floor,Chandra Vihar, M.G.Road, Hyderabad.
2. 2 CCs to the G.P. for Labour, High Court Buildings, A.P.
Hyderabad.(OUT)
- 3 2 CD copies.